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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SAGE HUMPHRIES, GINA MENICHINO,
ROSEMARIE DeANGELO, DANIELLE
GUTIERREZ, and JANE DOE 100, JULIET
DOHERTY, and JANE DOE 200

Plaintiffs/
Counterclaim Defendants,

v.

MITCHELL TAYLOR BUTTON and
DUSTY BUTTON

Defendants/
Counterclaim Plaintiffs /
Third Party Plaintiffs,

v.

MICHAEL S. HUMPHRIES, MICAH L.
HUMPHRIES, ANTHONY GIOVANNI
DEANE, DARYL ALLAN KATZ, and
CHASE FINLAY,

Third Party Defendants.

Case No. 2:21-cv-01412-ART-EJY

**MOTION TO STRIKE
PURSUANT TO FED. R. CIV. P. 12(f)**

Pursuant to Fed. R. Civ. P. 12(f), Defendants / Counterclaim Plaintiffs / Third Party Plaintiffs Mitchell Taylor Button and Dusty Button respectfully move this Court to strike the below-referenced portions of their own Verified Third Party Complaint and Counterclaim (ECF No. 54). It is highly unusual for a party to move to strike portions of its own pleadings. However,

information recently provided to them has called into questions a sole allegation in their Third Party Complaint – specifically, the age of Plaintiff Sage Humphries and allegations related thereto. Plaintiffs request that the Court strike the following statements:

- Pg. 3, line 18: “while Sage was underage.”
- Pg. 3, lines 19-20: “while she remained underage.”
- Pg. 3, line 20: “child”
- Pg. 3, line 23: “then-underage”
- Page 10, line 5: “At age 17,”
- Page 10, line 9: “when she was 17 years old”
- Page 10, line 11: “while she was still underage”
- Page 18, line 6: “while she was a minor”
- Page 18, line 8: “while she was a minor”
- Page 18, line 10: “while she was a minor”
- Page 18, lines 24-25: “Given that these Third Party Defendants committed statutory rape and in at least Katz’ case, sex trafficking,”

A redacted copy of the Buttons’ Third Party Complaint is attached hereto as **Exhibit 1** with these statements removed.

Defendants Mitchell and Dusty Button take their responsibility to this Court seriously, as does their counsel. The Buttons and their counsel conducted extensive (not just diligent) research to verify the claims that Plaintiff Sage Humphries was underage during the course of events alleged.¹ To that end, however, Sage Humphries appears to have lied to the Buttons, and other parties, about her age.

Prior to levying the allegations, Plaintiffs undertook exhaustive independent research to verify Sage’s age. This included reviewing a LexisNexis report for Sage, which said she was born

¹ The Buttons’ Third Party Complaint was verified as true and correct “to the best of [their] knowledge and understanding.” While this was true at the time the Third Party Complaint was signed and filed, the Buttons’ request to strike the statements as made herein brings the Third Party Complaint back in line with their current knowledge and understanding.

1 in October 1998, which would have made Sage 17 at the relevant time. *See Exhibit 2*, redacted
2 LexisNexis report. LexisNexis is certainly a reliable source of information, and there would be no
3 reason to question it. Additional sources online likewise reported that Sage's date of birth occurred
4 in 1998, rather than 1997, suggesting that Sage had misrepresented her age to more people than
5 just the Buttons. *See, e.g., Exhibit 3*, Wikipedia page. Of course, nobody should consider
6 Wikipedia to be a conclusive source – but when the Wikipedia entry has been online for over a
7 year, presumably Ms. Humphries or a member of her public relations team would correct it for
8 accuracy. Sage Humphries' Wikipedia page represented her year of birth as 1998 from July 2021
9 until August 1, 2022, when it was edited by an anonymous, unregistered editor, to state that she
10 was born on October 3, 1997. A Google search for Ms. Humphries' name also showed her year of
11 birth as 1998. *Exhibit 4*, Google Search Results. There are many other sources online that also
12 support the conclusion that she was born in 1998 and not 1997, but these sources were not reviewed
13 prior to the filing of the relevant allegations.

14 Since filing their Third Party Complaint, the Buttons have been presented with reliable
15 evidence disputing their previous understanding of Sage's true age. The allegations about her being
16 born in 1998 were presented in good faith, as they were consistent with (1) Sage's own statements
17 to the Buttons, (2) the Buttons' general understanding of her age, (3) confirmation by review of
18 publicly available information, (4) re-confirmation by the LexisNexis database. Nevertheless,
19 having been presented with reliable information to the contrary, the undersigned has a duty as an
20 officer of the court (and as a matter of fundamental fairness and decency) to strike these allegations
21 in light of new information that has come to light. It is simply unfair to accuse Mr. Katz, Mr.
22 Deane, and Mr. Finlay of having been involved with Sage Humphries when she was 17 years old
23 if there is any reliable evidence to the contrary. Certainly, this could have been left as factual
24 dispute for the finder of fact to resolve. However, having been provided with contradictory
25 information (not from Sage Humphries, but from another party) neither the Defendants nor their
26 counsel can in good faith allow it to be said nor implied that Mr. Katz, Mr. Deane, or Mr. Finlay
27

committed statutory rape. It is worth noting that had Sage Humphries not been dishonest about her year of birth in the first place, this misunderstanding could not have been possible.³

Federal Rule of Civil Procedure 12(f) allows a court to strike from a pleading any redundant, immaterial, impertinent, or scandalous matter. *See* Fed. R. Civ. P. 12(f). Claims that Sage Humphries was born in 1998 rather than 1997 rise to the level of “scandalous” and “immaterial.” Although it is uncommon for a party to seek to strike a matter from their own pleading, the Rules do not prohibit this action. Accordingly, and in the interest of fairness to all parties in this action, the Buttons respectfully move this Court to strike the portions of their Third Party Complaint identified herein, to seal the un-stricken version, and to replace it with the version that redacts allegations based on Sage Humphries being born in 1998 versus her apparent true year of birth, 1997. This is requested as a matter of fundamental fairness to parties in this case, and perhaps unnamed third parties who could also be negatively affected by reports pertaining to Sage Humphries’ birth year as being 1998, rather than 1997.

Dated: August 3, 2022.

Respectfully Submitted,

/s/ Marc J. Randazza

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³ It is worth noting that the information correcting Sage Humphries’ year of birth from 1998 to 1997 was not provided by her nor her counsel. It is unclear why they never reached out to provide this information, nor why they did not even deny it. Ms. Humphries knows her true year of birth, yet she seems to have permitted this falsehood to remain on the docket and in the press, without the slightest protest.

Case No. 2:21-cv-01412-APG-VCF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 3, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Marc J. Randazza
Employee,
Randazza Legal Group, PLLC

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